

Remarks/Arguments:

In the final Office Action dated March 17, 2005, the Examiner has allowed claims 1-7 and sustained the previous rejection to claims 8-10, making those rejections final.

Claims 8-10 are canceled herein.

In a teleconference with the undersigned on March 9, 2005, the Examiner indicated that he would consider the Applicant's proposal to split claim 6 into separate serving and drift RNC claims if submitted after issuance of the cited Office Action.

Claim 6 is amended and claim 11 is added herein, and both are seen to recite the allowable subject matter. Previous to this amendment, claim 6 recited a radio network controller (RNC) with some claim elements for the RNC operating as a serving RNC and other claim elements for the RNC operating as a drift RNC. The elements of claim 6 as allowed are now split among claims 6 and 11, each separately reciting the serving RNC elements and the drift RNC elements. Specifically, the elements pertaining to the RNC operating as a drift RNC are deleted from claim 6. Claim 11 is added that mirrors claim 6 but recites those elements for the RNC operating as a drift RNC, and not those elements for the RNC operating as a serving RNC.

In the cited Office Action, the Examiner incorporated as the reasons for allowance the Applicant's remark filed on July 17, 2005, third paragraph (mailing date July 9, 2005). In short, that paragraph recited that a reference to Nakamura taught a chronological time step over which transmission power may be adjusted, not a power increment by which the transmission power may be adjusted. The relevant claim language to distinguish over Nakamura's time interval teachings was characterized for brevity (in the fourth paragraph of the July 9, 2005 Response) as power limiting information from the drift RNC and power controlling information. Both power limiting information from the drift RNC and power controlling information are retained in claim 6, and are also recited in new claim 11.

Specifically, claim 6 recites in relevant part (for the RNC operating as a serving RNC):

means for establishing information controlling the transmission power in said macrodiversity connection branch based on information limiting the transmission power received from said drift radio network controller;

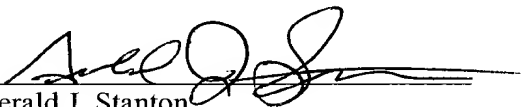
Claim 11 recites in relevant part (for the RNC operating as a drift RNC):

means for establishing information limiting the transmission power in said macrodiversity connection branch and for transmitting it to the serving radio network controller, and

means for establishing information controlling the transmission power of the drift base station on the basis of controlling information received from the serving radio network controller and means for transmitting it to the drift base station

As amended claim 6 and new claim 11 both derive from previously allowed claim 6 and each recites the subject matter that the cited Office Action deems allowable, the Applicant respectfully requests the Examiner enter this amendment and pass claims 1-7 and 11 to issue. Should the Examiner have any questions or comments, the undersigned welcomes the opportunity to resolve any matters that may remain via teleconference at the Examiner's discretion.

Respectfully submitted:


Gerald J. Stanton
Reg. No.: 46,008

May 11, 2005
Date

Customer No.: 29683
HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212
Phone: (203) 925-9400
Facsimile: (203) 944-0245
Email: gstanton@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 11, 2005
Date


Name of Person Making Deposit